

1 Q Did you have any discussions with anyone at NMTV
2 regarding the propriety of checking off a response for
3 Question No. 1 here?

4 A Mr. Schonman, I don't recall specifically to this
5 application but I did advise virtually every time there was an
6 opportunity to submit an application or that they did file
7 applications, that they were entitled to so certify on the
8 form.

9 Q So each time you prepared a low-power application in
10 which the question came up as to whether NMTV was entitled to
11 claim a minority preference, you had a conversation each and
12 every time with someone at NMTV about claiming a preference?

13 A Oh, no, I don't think I could say each and every
14 time. I mean each opportunity when one would come up it would
15 be that you are entitled to certify a minority preference.

16 Q Well, when would an opportunity come up but for the
17 filing of an application?

18 A Well, there are windows that come up periodically in
19 which one may submit applications and in those applic -- in
20 those windows there may be a number of applications that are
21 filed and so I cannot tell you it was in the context of that
22 you're going to file three or four applications. Now, for
23 this one it's going to be -- for example, in this community of
24 Salt Lake City, it's okay and then they may be filing one in
25 another community of -- you name a place -- and oh, and it's

1 okay there. It is in the -- to the general that they are
2 qualified to be able to certify minority preference in the
3 low-power proceeding -- in Television Translator proceedings.

4 Q So you did not ask -- you did not inquire about the
5 propriety of responding in the affirmative to a minority
6 preference for each application, correct? But you did have a
7 discussion, you recall, with regard to each group of filings?

8 A Yes, sir.

9 Q For every group of filings?

10 A Well, maybe I better not be that definitive, I mean,
11 generally I had that kind of conversation. Now, in each
12 particular instance, I believe I had the conversation but I
13 cannot specifically recall all of them to mind.

14 Q All right, do you recall having a discussion with
15 anyone from NMTV regarding the group of low-power applications
16 that were filed in June 1988 of which the Salt Lake City
17 application was one?

18 A Yes, sir, I believe so.

19 Q Okay. I'm afraid that we have to jump back because
20 I forgot to ask you a question, keep the volume you have close
21 by but let's go back for a moment to Volume No. 3 of the
22 Bureau's exhibits, specifically Exhibit No. 149 and Exhibit
23 149, Mr. May, is an application for a low-power station filed
24 on behalf of National Minority TV for Fresno, California and
25 Fresno, California was among a group of similar low-power

1 applications filed in July 1987, correct?

2 A Yes, sir, I believe so.

3 Q Did you prepare this application?

4 A Yes, sir.

5 Q Can you turn to page 7?

6 A Yes, sir.

7 Q Do you recall having any discussions with anyone at
8 NMTV with respect to this and the other low-power applications
9 filed in this group regarding the propriety of claiming a
10 minority preference?

11 A Yes, sir.

12 Q Do you recall with whom you had that discussion?

13 A I believe Mrs. Duff.

14 Q And with regard to the Salt Lake City group of
15 applications in June 1988, you said you had a discussion as
16 well, was that also with Mrs. Duff?

17 A Yes, sir, I believe so. It's possible I could have
18 also spoken with Dr. Crouch.

19 Q But you do recall speaking with Mrs. Duff regarding
20 the 1987 group as well as the 1988 group?

21 A Yes, sir.

22 Q Okay. We're going to return to Volume 4 and you can
23 put Volume 3 away. Let's turn to Bureau Exhibit No. 223 which
24 is an affiliation agreement between TBN and NMTV regarding the
25 Odessa, Texas station. Do you have that?

1 A Yes, sir.

2 Q Did you draft this document, Mr. May?

3 A No, sir.

4 Q What involvement, if any, did you have in the
5 preparation of this document?

6 A None, again, I think I've explained that I sort of
7 created the grandfather of this document or the template of
8 the document but not this document.

9 Q Let's turn to -- well, just a minute. Let's turn to
10 Bureau Exhibit No. 263 which is in Volume 5.

11 A May I put Volume 4 up?

12 Q Yes, we can put that to rest.

13 A Promise?

14 Q We're hoping.

15 A Yes, sir, I have it.

16 Q Do you have Bureau Exhibit No. 263 before you?

17 A Yes, sir.

18 Q Mr. May is that your handwriting?

19 A Yes, sir, it is.

20 Q How is it that you came to edit this letter, if that
21 is, in fact, what you were doing?

22 A I believe a copy was sent to me by Mrs. Duff.

23 Q And why is it that she sent it to you?

24 A To look at and see if I had any editorial changes to
25 make.

1 Q Was that a routine practice, sending you interoffice
2 memos to edit?

3 A No, sir, not really.

4 Q Did you inquire of her as to why she was sending you
5 this particular interoffice memo?

6 A No, sir.

7 Q In other word, it just came out of the clear blue
8 and you just started marking it up, Mr. May?

9 A No, sir, I really don't recall the specifics, it
10 wasn't a routine and I don't recall anything specific on -- by
11 this one.

12 Q Is it your testimony you have absolutely no
13 recollection regarding the edits you made here?

14 A Oh, yes, I mean, I'm familiar with making the edits
15 and having marked on the document. I know there are -- I
16 mean, it -- my memory is is that at this point in time I may
17 have received a couple of them, but I mean, it wasn't a
18 routine thing, I mean, I remember seeing -- I have seen and
19 remember seeing memorandums like this from Mrs. Duff that she
20 would say, here it is but it was not routine.

21 Q Well, do you recall in any way whatsoever what your
22 marching orders were from Mrs. Duff, why it is she sent her
23 legal counsel an interoffice memo, why this memo was so
24 important that she would have done that?

25 A I can con -- I mean, I don't really recall anything

1 specific now, sir. I can construct something for you what I
2 believe happened.

3 JUDGE CHACHKIN: Why did you make the change from
4 "NMTV is an affiliate of TBN which is a separate corporation",
5 why did you change that to NMTV is a program affiliate of the
6 Trinity Broadcast Network", why did you make that change?

7 MR. MAY: Because I felt that it was a more accurate
8 description as to this company's activities at that time which
9 were broadcasting a signal and what that signal was.

10 JUDGE CHACHKIN: So it was your view at that time
11 that NMTV was a prisoner -- a program affiliate such as
12 unrelated stations which TBN provided program to, there was no
13 difference between NMTV's relationship to TBN and say a
14 station in New Jersey who had a program affiliation agreement
15 with TBN? The relationship was exactly the same?

16 MR. MAY: No, I recog --

17 JUDGE CHACHKIN: Is that your view?

18 MR. MAY: I recognize that there was a much closer
19 relationship between the Trinity Broadcasting Network and
20 National Minority.

21 JUDGE CHACHKIN: Well, wasn't Ms. Duff correct when
22 she said affiliate rather than your statement, program
23 affiliate?

24 MR. MAY: Yes, she probably was more correct. You
25 know, it's funny that somebody sends you something as a lawyer

1 | you feel duty-bound to mark it, I guess, in some ways that may
2 | be part of it.

3 | JUDGE CHACHKIN: But you had a reason obviously for
4 | changing it to program affiliate from affiliate, I mean, it
5 | must have been something in mind which caused you to think
6 | that it would be better to say program affiliate than
7 | affiliate, isn't that true?

8 | MR. MAY: And it -- yes, and I believe it was
9 | related to the fact that the station was either just on the
10 | air or about to be on the air and what was important is the
11 | programming that's going to go out and why that exists that
12 | way.

13 | JUDGE CHACHKIN: Well, apparently it says here there
14 | was some kind of misunderstanding, what was the misunderstan-
15 | ding? Do you recall what the misunderstanding was that was
16 | referred to in the interoffice memo? It says "the following
17 | points should help clear up any misunderstanding."

18 | MR. COHEN: Where are you reading, Your Honor?

19 | JUDGE CHACHKIN: I'm reading from the third
20 | paragraph. Now, do you recall what the nature of the
21 | misunderstanding was that caused Mrs. Duff to send you this
22 | interoffice memo to edit?

23 | MR. MAY: I -- yes, sir, I believe so, now, we're
24 | going into it a little deeper. The -- I believe that at this
25 | time there was a transition from a prior station manager to

1 Ms. Darlene Eve and a controversy had come up or a question
2 had come up as to the compensation of on-air operators at the
3 station and there had been either on this date or around this
4 date some communications on that point and those had been
5 partially directed to a gentleman named Philip Crouch who was
6 at the time in the personnel area for the Trinity Broadcasting
7 Network and I believe spent some of their -- there may have
8 been some confusion as to Philip Crouch's authority to be able
9 to address that kind of an issue and then that may be what
10 this misunderstanding is. I'm not exactly where it is but I
11 believe that somewhere around this time frame there was also a
12 point -- a letter on that point as well.

13 JUDGE CHACHKIN: Now, Philip Crouch was not an
14 employee of National Minority, was he?

15 MR. MAY: No, sir.

16 JUDGE CHACHKIN: Why were you --

17 MR. MAY: He was, however, an officer of the
18 company, I believe.

19 JUDGE CHACHKIN: What was his position?

20 MR. MAY: I think --

21 JUDGE CHACHKIN: Was it assistant secretary?

22 MR. MAY: Yes, sir.

23 JUDGE CHACHKIN: Well, why were you copying this to
24 Mr. Crouch at TBN?

25 MR. MAY: Well, he was responsible in performing

1 certain ministerial functions for the company and I think in
2 that sense he was being kept apprised of what was going on and
3 since this was a follow-up to a controversy or at least a
4 question that had come from an area that he was providing such
5 ministerial services in, that's -- I believe that's what
6 happened.

7 JUDGE CHACHKIN: Well, what ministerial functions
8 was he applying -- was he providing?

9 MR. MAY: Well, Trinity was at the time providing
10 payroll services.

11 JUDGE CHACHKIN: Was the only ministerial functions
12 that Mr. Crouch was providing?

13 MR. MAY: I believe those were the ones --

14 JUDGE CHACHKIN: And I use your word, ministerial,
15 without necessarily agreeing with them but what other
16 ministerial functions were being provided by Mr. Crouch?

17 MR. MAY: I believe Trinity at the time was also --
18 oh, by Philip Crouch

19 JUDGE CHACHKIN: Yes, I mean you copied Philip
20 Crouch.

21 MR. MAY: I believe that Philip Crouch was not only
22 in the personnel area but was in the -- making sure that
23 accounts payable were also being handled as well, those two
24 areas, payroll and purchase -- accounts payable.

25 JUDGE CHACHKIN: Go ahead, Mr. Schonman.

1 MR. SCHONMAN: Thank you, Your Honor.

2 BY MR. SCHONMAN:

3 Q Mr. May, do you see the sentence "NMTV is a
4 television ministry", it's the second item in the third
5 paragraph?

6 A Yes, sir.

7 Q It had stated "NMTV is a television ministry that
8 is" -- I'm sorry, please go to -- my eyes just jumped a line,
9 please go to the line above that. "NMTV is" -- "it had been
10 an affiliate of TBN which is a separate corporation" and it's
11 the -- you changed "a separate corporation" to "a separate
12 ministry". Do you recall why it is you changed the words "a
13 separate corporation" to "a separate ministry"?

14 A Not -- no, sir, not really.

15 Q Is there a distinction that you intended to make
16 there?

17 A Probably just that there was something much more
18 unique about National Minority than just simply being a
19 corporation but to some extent, please understand I am sort of
20 reconstructing, I honestly don't recall what was in my mind at
21 the time specifically.

22 Q And jumping to the bottom of the page, the reference
23 to Philip Crouch. Now, initially when this document came to
24 you it indicated that Philip Crouch was going to receive a
25 copy of this but it appears that you're recommending that he

1 get a blind copy. Why it is, if you can recall, why is it
2 that you were recommending the Philip Crouch only get a blind
3 copy of this?

4 A For the reasons that I've just described to Judge
5 Chachkin that some misunderstanding had occurred because of
6 the area that Philip Crouch had handled with regard to payroll
7 and Mrs. Duff was clarifying that and I simply thought that by
8 showing him on the memorandum you might continue some
9 misunderstanding or uncertainty in that area and that's the
10 only reason, I certainly -- as I say, I believe that this is a
11 memorandum that was very close in time to one that was sent
12 which -- in which Philip Crouch was either noted as receiving
13 a copy or was spoken about in some way in the memo because
14 that was the genesis of the confusion on that payroll issue
15 but here in the attempt to clarify it, I just thought, don't
16 send it to Philip, you might just continue the confusion but
17 you can send it to Crouch to make sure it -- send it to Philip
18 Crouch to make sure he understands with regard to your
19 personnel, that's -- I believe that's the reason.

20 COURT REPORTER: Excuse me.

21 (Off the record. Back on the record.)

22 BY MR. SCHONMAN:

23 Q Mr. May, can we move to Bureau Exhibit No. 277,
24 please?

25 A Yes, sir, I have it.

1 Q What role, if any, did you have in preparing and
2 drafting this document?

3 A I believe this came out of my off-- I believe I
4 prepared this in my office.

5 Q Why is it that it doesn't bear your law firm's
6 letterhead but instead bears the name NMTV at the top?

7 A Mrs. Duff may have called me very quickly to say
8 "please do this right away, I can't get it done where I am,
9 would you please take care of it" and so I prepared it
10 accordingly.

11 Q Who provided the information to you that went into
12 this document?

13 A Mrs. Duff.

14 Q Now, I notice in the first paragraph there's no
15 reference to TBN. Is that because Mr. Cooper from Prime Time
16 already knew that NMTV was well connected to TBN?

17 A I don't recall, I don't know if by this time
18 National Minority had it's own name and reputation to the
19 point where that didn't seem important anymore or not, I
20 honestly don't recall.

21 Q Let's move to Bureau Exhibit No. 282, that's an
22 updated ownership report dated November 7, 1989 -- well,
23 correction, the covering letter is dated November 7, 1989. Do
24 you have that, Mr. May?

25 A Yes, sir.

1 Q Did you prepare this updated ownership report?

2 A I believe so, sir, I don't know that I have a
3 complete copy, however, mine jumps from page 1 which is my
4 cover letter dated November 7, '89 and then it appears just to
5 jump to page 3 which I guess would be the first page of the
6 ownership report itself.

7 Q We'll try to have your counsel assist you if you're
8 missing pages. The page numbers are --

9 MR. TOPEL: There's a page missing in the -- in his
10 copy.

11 BY MR. SCHONMAN:

12 Q There -- we apologize for that.

13 A Yes, sir, I have it.

14 Q Do you recall preparing this ownership report?

15 A Not really, no, sir.

16 Q Why was this updated ownership report prepared?

17 A Well, the cover letter says it's submitted in
18 compliance with Commission Rule 73-3615, supersedes the
19 previous report and reports the position of Matthew Crouch as
20 assistant secretary.

21 Q Because he was inadvertently left off the previous
22 report?

23 A Yes, that's what it says there, yes, sir.

24 Q Would you turn to page 5, please? Actually, page 4
25 and 5, you'll see that it includes references to Paul Crouch,

1 Jane Duff, Philip Espinoza and Matthew Crouch. Now, despite
2 the fact that this updated ownership report is intended to
3 correct inadvertent errors in a previous report, why is it
4 that there's no reference to Charlene Williams who at this
5 time was an officer of the company?

6 A I guess just a continuation of a mistake or of a
7 mistake, certainly no intention to remove her from the filing.

8 Q Where did the information come that went into this
9 ownership report?

10 A It -- I guess probably from my files, it could have
11 come from a communication with -- I guess I really don't
12 recall, my normal process I can describe to you in this
13 instance that I do exactly that, I don't know that I can
14 recall specifically.

15 Q What was your normal practice?

16 A I would go to the files of National Minority,
17 perhaps Odessa, Texas or Portland, Oregon and look there at
18 those files and see if they had been updated and if the
19 material was accurate and correct and if I prepared an
20 ownership report I put down the information that I had and I
21 would send it to the client for review and sign --

22 Q Mr. May, let's turn to Bureau Exhibit No. 285 and
23 this is an application for a low-power station in Stockton,
24 California filed on behalf of NMTV in December 1989. What
25 role, if any, did you have in preparing this application?

1 A I believe it was prepared out of my office, sir.

2 Q Can you turn to page 4, you see there that NMTV
3 checked off in the affirmative that it was entitled to a
4 minority preference?

5 A Yes, sir.

6 Q Do you recall any discussion with anyone at NMTV
7 about certifying in the affirmative that NMTV is entitled to a
8 minority preference, for this application or the group of
9 applications of which this was included?

10 A I -- yes, sir, I believe so.

11 Q You recall a specific conversation?

12 A I believe -- it says we -- I described to you just a
13 little earlier this afternoon, I recall that as each time an
14 opportunity for an application grouping to filed that we did
15 have a discussion on it, I don't -- I mean, I can't say that
16 at each application now, this box this way, this box that way,
17 no, sir, I can't but --

18 Q But with respect to the group of low-power
19 applications filed by NMTV in December 1989 you recall having
20 a discussion with Mrs. Duff, is it, about the propriety of
21 checking off "yes", that NMTV is entitled to a minority
22 preference?

23 A Yes, sir, I believe so.

24 Q Mr. May, can we turn to Bureau Exhibit No. 294,
25 please, that's the 1990 annual meeting of TBN and affiliates.

1 A Yes, sir, I have it.

2 Q I see in the second paragraph that you attended that
3 meeting.

4 A Yes, sir.

5 Q Do you recall any particular reason why you attended
6 that meeting?

7 A No, sir.

8 Q Mr. May, after NMTV began having its own separate
9 annual meetings, did you attend NMTV's annual meetings as
10 well?

11 A On occasion.

12 Q Do you remember which occasions?

13 A No, sir, I can -- I mean, I do recall that in
14 January of 1992 I was there. I believe that I was there in
15 '93 and I may have been there in some years previous.

16 Q When was the annual meeting in 1993 for NMTV?

17 A What I mean to say is, I was at a meeting in January
18 of '93 for NMTV, I don't know if they'd characterize that as
19 the annual meeting or a meeting.

20 Q Do you know if minutes were kept at that meeting at
21 which you were at attendance in 1993?

22 A I don't know sir, I mean, it wasn't my job to do
23 that so I honestly don't know if minutes were kept.

24 Q Do you remember what was discussed at that meeting?

25 A The board asked me about the status of matters as

1 they were pending at the Commission.

2 Q Did the board review previous minutes?

3 A Well, I don't recall that they did.

4 Q Did the Board elect officers?

5 A I don't recall.

6 Q Did the board review any financial statements,
7 audited or unaudited?

8 A No, what I recall was reviewed was that they had
9 some programming and some local involvement that Mr. Jim
10 McClelland was doing, their station manager there and that's
11 what I recall that generally the meeting was about, the
12 portion that I was there for involved FCC matters.

13 MR. COHEN: Your Honor, could --

14 MR. SCHONMAN: Could I ask Mr. Topel whether there
15 were any minutes kept, to his knowledge, of that meeting? We
16 -- I'm -- this I can speak with a fair degree of certainty
17 that I don't believe any minutes were supplied and I'm not
18 suggesting that minutes were kept but if they were kept, I
19 wonder if you would ask Mr. Topel to search to make sure that
20 he has the minutes because I'm sure he would have supplied
21 them if they had been furnished.

22 JUDGE CHACHKIN: Mr. Topel, are you aware of any
23 minutes?

24 MR. TOPEL: Every meeting for which there are
25 minutes was -- were produced. There are no minutes for such a

1 meeting and there are no such minutes.

2 JUDGE CHACHKIN: I'll accept that.

3 BY MR. SCHONMAN:

4 Q Mr. May, let's move to Bureau Exhibit No. 295 and
5 that's a memorandum from your law firm to Mrs. Duff dated
6 January 24, 1990, do you have that?

7 A Yes, sir.

8 Q What involvement, if any, did you have in preparing
9 this document?

10 A I instructed my officer manager to prepare it and
11 send it.

12 Q Why did you do that?

13 A Well, yesterday we had a discussion about how funds
14 were deposited into the lawyer's escrow account and this is
15 just one such instance in which money had been deposited and
16 it then had been dispersed and we were providing the
17 accounting accordingly.

18 Q If we can move on to Bureau Exhibit No. 316 and
19 that's a bill from your law firm to TBN dated July 13, 1990.
20 Do you have that before you?

21 A Yes, sir.

22 Q Why is CET combined with JEB, do you see that?

23 A Yes, sir.

24 Q Why are those two companies combined there?

25 A In some instances the work that I do is -- can be

1 fairly divided between these two companies. For example, on a
2 fund raising question involving a non-commercial program or
3 something of that nature and it would be information that was
4 requested essentially from both such companies and so I would
5 bill it accordingly.

6 Q Let's change volumes to No. 6, Bureau Volume 6,
7 specifically Bureau Exhibit No. 343 and that's a letter from
8 your law firm to George Sebastian dated February 22, 1991 and
9 I say it's from your law firm because it would appear that
10 your colleague, Mr. Dunne, prepared the letter. What
11 involvement, if any, did you have in preparing and drafting
12 this letter, Mr. May?

13 A I really -- I don't remember much involvement in the
14 preparation of this letter.

15 Q Well, what involvement, if any, did you have?

16 A I think I was aware that the Commission was
17 preparing to open a filing window and that that meant people
18 who were interested in submitting material during the window
19 needed to begin working on it but --

20 Q Does the name George Sebastian mean anything to you?

21 A Yes, sir.

22 Q Who is Mr. Sebastian?

23 A Mr. Sebastian is a man that has been used to local
24 sites for applicants, transmitter sites.

25 Q He's an employee of TBN?

1 A No, sir.

2 Q What is his relationship to TBN?

3 A I think it would be fair to describe him as a
4 volunteer, I think he's a man who's been on disability and he
5 comes in and essentially provides these search services that
6 I've just described, sites -- finds sites for applications.

7 Q What is his title at TBN?

8 A I guess he's probably had a number of titles,
9 sometimes it's probably been as a volunteer, other times he
10 may have called himself a low-power coordinator, I mean, he's
11 probably been in many ways a jack of many trades for many
12 thing.

13 Q Why is this letter being directed to Mr. Sebastian
14 at TBN when it includes matters about NMTV as well as TBN?

15 A Well, that's where Mr. Sebastian was, I mean, that's
16 where he got his mail so that's why it's sent to him but he
17 would go out and find sites and the letter indicates that in
18 order to complete the application you need to have verified
19 site approvals for and then the various facility locations are
20 listed.

21 Q So he did work for TBN and he also did work for
22 NMTV?

23 A Yes, sir, I believe so.

24 Q And the Kevin referred to, who is that?

25 A I believe that's Kevin Fisher.

1 Q Of Smith and Powstenko?

2 A Yes, sir.

3 Q And he did work for both NMTV and TBN?

4 A Yes, sir.

5 Q Mr. May, we can turn to exhibit -- Bureau Exhibit
6 376, a quantum leap ahead and that's a letter from your
7 colleague Mr. Dunne to Paul Crouch dated October 1, 1991.

8 A Yes, sir.

9 Q Do you recall this letter, seeing this before?

10 A Yes, sir, I was asked about this letter earlier from
11 Mr. Cohen.

12 Q Do you see the very first line, it says -- your
13 colleague writes "Colby thought it would be helpful if I wrote
14 directly to express my point of view", etcetera, etcetera.
15 Did you, in fact, think it was helpful or would be helpful if
16 Mr. Dunne wrote to Paul Crouch?

17 A Yes, Mr. Dunne and I discussed it and we thought
18 that the frustration that we expressed in this letter is
19 something that we should express.

20 Q Is there any particular reason why Mr. Dunne is
21 writing this letter rather than you?

22 A I think probably a good deal of the frustration is
23 Mr. Dunne's but at the same time I was in the hospital, I had
24 a hernia operation the latter part of September or in early
25 October of that year.

1 Q Now, you testified yesterday that you retained a
2 private detective agency to amass information on Mr. Aguilar's
3 criminal background, is that correct?

4 A Yes, sir.

5 Q Did anyone at NMTV or TBN direct you to do that or
6 you did it on your own?

7 A I pretty much did it on my own, I felt my client
8 needed the information, I needed the information to give to
9 the Commission so I went about doing the things I thought I
10 needed to to get it.

11 Q Mr. May, let's turn to Bureau Exhibit No. 387,
12 that's an application filed on behalf of NMTV for a new low-
13 power station at Lake Charles, Louisiana and it was signed on
14 page 5 in January 1992. Do you have that before you?

15 A Yes, sir.

16 Q What role, if any, did you have in the preparation
17 of this application?

18 A I believe it was prepared in my office.

19 Q Can you turn to page 4?

20 A Yes, sir.

21 Q And you'll see there that NMTV certified again that
22 it was entitled to a minority preference. Do you see that?

23 A Yes, sir.

24 Q Do you recall any discussions with anyone at NMTV or
25 TBN about the propriety of certifying in the affirmative that

1 NMTV was entitled to a minority preference in this application
2 or this -- or the group of application of which this was one?

3 A Yes, sir, I believe so.

4 Q You specifically call -- recall such a conversation?

5 A Yes.

6 Q And with whom did you have that conversation?

7 A Mrs. Duff, it's possible it could have Mr. Crouch as
8 well but I do believe Mrs. Duff.

9 JUDGE CHACHKIN: And what specifically do you recall
10 being said by you and Ms. Duff on this occasion?

11 MR. MAY: It is that there is an opportunity for a
12 window filing to be made, do you want applications to be
13 prepared, yes, and then I -- to say now, you know, you know
14 that there'll be a minority certification, I believe you're
15 still entitled to take the minority certification, is it your
16 intent to do so, the answer is yes.

17 BY MR. SCHONMAN:

18 Q Mr. May, the last topic which I'd like to discuss is
19 something we touched on -- you touched on yesterday with Mr.
20 Cohen and that has to do with conflict of interest situations.

21 JUDGE CHACHKIN: Should we take a recess before we
22 take this up?

23 MR. SCHONMAN: Sure.

24 JUDGE CHACHKIN: All right, we'll take a ten-minute
25 recess.

1 (Whereupon, a brief recess was taken from 3:09 p.m.
2 until 3:18 p.m.)

3 JUDGE CHACHKIN: Thank you, Mr. Schonman.

4 BY MR. SCHONMAN:

5 Q Mr. May, yesterday you testified that you believed
6 that there was a conflict of interest situation that existed
7 between TBN and NMTV, is that correct?

8 A Yes, sir.

9 Q Did you believe at any time that there existed a
10 conflict of interest situation between TBN and CET?

11 A Yes, sir.

12 Q Why is that?

13 A They were being -- borrowing money.

14 Q And you represented both companies?

15 A Yes.

16 Q Did you believe at any time that there existed a
17 conflict of interest situation between TBN and JEB?

18 A Yes, sir.

19 Q Same reason?

20 A Yes, sir.

21 Q At any time did you believe that there was a
22 conflict of interest situation between TBN and Trinity
23 Broadcasting of Arizona?

24 A No, sir.

25 Q Why?

1 A I never regarded those as essentially being
2 distinctive companies for purposes of a conflict question.

3 Q Weren't they separate clients in your mind?

4 A Well, I mean, they're -- I mean, it's -- separate
5 companies but not really separate clients, I mean, I don't --
6 I can't tell you, I had that state of mind though.

7 Q Well, they had separate "B" numbers on your bills,
8 didn't they?

9 A Oh, yes.

10 Q And they had separate articles?

11 A Yes, they did.

12 Q Separate by-laws?

13 A Yes, sir.

14 Q What is it in your mind that led you to believe that
15 they were not separate?

16 A The "B" numbers, for example, were only there for
17 purposes of, you know, being able to allocate or show for who
18 I expended monies and that sort of thing and it was -- I think
19 for more their auditing functions and the like but, yes, it is
20 true they were separate corporations but I never regarded any
21 of the Trinity named companies as it were, to be different
22 effectively than Trinity. I mean, I think except for the
23 benefits that accrue from having a separate corporation for
24 which you get a shield against liabilities because you can
25 segregate assets that are held by that company in a particular